

### **REMARKS**

The paper is in response to the Office Action mailed August 5, 2009 ("the Office Action"). The foregoing amendment cancels claims 7, 10, 16-22, 24-26, 38, 42, 65, 76-79, and 82 and amends claims 1, 23, 37, 56, 73, and 80. Claims 1-6, 8, 9, 11-15, 23, 27-37, 39-41, 43-64, 66-75, 80-81, and 83-88 are now pending in view of the amendments. Applicants respectfully request reconsideration of the application in view of the above amendments to the claims and the following remarks. For Examiner's convenience and reference, Applicants present remarks in the order that the Office Action raises the corresponding issues.

In connection with the prosecution of this case and any related cases, Applicants have, and/or may, discuss various aspects of the disclosure of the cited references as those references are then understood by the Applicants. Because such discussion could reflect an incomplete or incorrect understanding of one or more of the references, the position of the Applicants with respect to a reference is not necessarily fixed or irrevocable. Applicants thus hereby reserve the right, both during and after prosecution of this case, to modify the views expressed with regard to any reference.

Please note that Applicants do not intend the following remarks to be an exhaustive enumeration of the distinctions between any cited references and the claims. Rather, Applicants present the distinctions below solely by way of example to illustrate some of the differences between the claims and the cited references. Finally, Applicants request that Examiner carefully review any references discussed below to ensure that Applicants' understanding and discussion of any reference is consistent with Examiner's understanding.

Unless otherwise explicitly stated, the term "Applicants" is used herein generically and may refer to a single inventor, a set of inventors, an appropriate assignee, or any other entity or person with authority to prosecute this application.

**Rejection under 35 U.S.C §103(a)**

The Office action rejects claims 1, 4-6, 8-9, 11, 23, 27-36, and 87 under 35 U.S.C §103(a) over *Jibbe* (U.S. Patent No. 6,687,856) in view of *Mitchell et al.* (U.S. Patent Publication No. 2003/0174694) and rejects claims 2 and 3 under 35 U.S.C §103(a) over *Jibbe* in view of *Mitchell et al.* in further view of *Nelson et al.* (U.S. Patent No. 6,928,108).

The Office action rejects claim 12 under 35 U.S.C §103(a) over *Jibbe* in view of *Mitchell et al.* in further view of *Bucher et al.* (U.S. Patent Publication No. 2001/0016925) and rejects claims 13-15 under 35 U.S.C §103(a) over *Jibbe* in view of *Mitchell et al.* in further view of *Blatter et al.* (U.S. Patent No. 6,236,694).

The Office action rejects claims 37, 39-41, 43, 44, 46, and 49-55 under 35 U.S.C §103(a) over *Jibbe* in view of *Mitchell et al.* in further view of *Bucher et al.* and in further view of *Blatter et al.* and rejects claim 45 under 35 U.S.C §103(a) over *Jibbe* in view of *Mithcell et al.* in view of *Bucher et al.* in view of *Blatter et al.* and in further view of *Dwyer* (U.S. Patent No. 6,820,251).

The Office action rejects claims 47-48 under 35 U.S.C §103(a) over *Jibbe* in view of *Mitchell et al.* in view of *Bucher et al.* in view of *Blatter et al.* and in further view of *Rivoir* (U.S. Patent No. 6,105,087) and rejects claims 56-64, 66-72, and 88 under 35 U.S.C §103(a) over *Jibbe* in view of *Mitchell et al.* in further view of *Rivoir*.

The Office action rejects claims 73 and 76-81 under 35 U.S.C §103(a) over *Jibbe* in view of *Mitchell et al.* in further view of *Blatter et al.* and rejects claims 74-75 under 35 U.S.C §103(a) over *Jibbe* in view of *Mitchell et al.* in view of *Blatter et al.* and in further view of *Nelson et al.*

The Office action rejects claims 82, and 85-86 under 35 U.S.C §103(a) over *Jibbe* in view of *Mitchell et al.* in view of *Blatter et al.* and in further view of *Noy* (U.S. Patent No. 7,114,111) and rejects claim 83 under 35 U.S.C §103(a) over *Jibbe* in view of *Mitchell et al.* in view of *Blatter et al.* and in further view of *Lee et al.* (U.S. Patent No. 6,377,643).

The Office action rejects claim 84 under 35 U.S.C §103(a) over *Jibbe* in view of *Mitchell et al.* in view of *Blatter et al.* and in further view of *Bucher et al.*

Under 35 U.S.C §103(a), "[a] patent may not be obtained . . . if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains." According to MPEP §2142, "[t]he examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness." Finally, MPEP 2141.III notes that:

"The key to supporting any rejection under 35 U.S.C. 103 is the *clear articulation of the reason(s) why the claimed invention would have been obvious*. The Supreme Court in KSR noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit. The Court quoting *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006), stated that "***[R]ejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.***" KSR, 550 U.S. at \_\_\_, 82 USPQ2d at 1396." (emphasis added)

Applicants herein amend claim 1 to require a trigger logic that includes a trigger sequencer that uses a state machine architecture configured to change states and each level of the state machine can enable any or all of the other levels upon exiting the level. Support for this element can be found at least at paragraph 35 of the specification. Claim 37 has been amended similar to claim 1. Claim 23 includes a trigger sequencer that uses a state machine architecture where a user can program the trigger sequencer to enable different states. Claim 56 has been amended to require that the state machine architecture is configured to change states between 12 levels of state and each level of the state machine can enable any or all of the other levels as well as all 12 levels upon exiting the level. Claim 73 has been amended to include various elements similar to those previously presented in claims 76-79 and 82. Each of the independent claims is believed to be allowable as the references cited fail to render such claims obvious. Applicants therefore respectfully request that Examiner withdraw the rejection of claims 1, 23, 37, 56, and 73 under 35 U.S.C. §103(a).

Claims 2-6, 8, 9, 11-15, and 87 depend from claim 1, claims 27-36 depend from claim 23, claims 39-55 depend from claim 37, claims 57-64, 66-72 and 88 depend from claim 56, and claims 74, 75, and 80-86 depend from claim 73. If an independent claim is nonobvious under 35

U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Therefore, the dependent claims are believed to be allowable at least for the same reasons as the independent claims from which they depend.

### **Charge Authorization**

The Commissioner is hereby authorized to charge payment of any of the following fees that may be applicable to this communication, or credit any overpayment, to Deposit Account No. 23-3178: (1) any filing fees required under 37 CFR § 1.16; (2) any patent application and reexamination processing fees under 37 CFR § 1.17; and/or (3) any post issuance fees under 37 CFR § 1.20. In addition, if any additional extension of time is required, which has not otherwise been requested, please consider this a petition therefor and charge any additional fees that may be required to Deposit Account No. 23-3178.

**CONCLUSION**

In view of the foregoing, Applicants submit that the pending claims are allowable. In the event that Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview or overcome by an Examiner's Amendment, Examiner is requested to contact the undersigned attorney.

Dated this 5th day of February, 2010.

Respectfully submitted,

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